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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Advanced Television Systems	)	MM Docket No. 87-268
and Their Impact upon the	)	
Broadcast Service	)	FCC 97-115; 97-116
	)	

To: The Commission

SUPPLEMENT TO PETITION FOR RECONSIDERATION

Univision Communications Inc. ("Univision"), by its attorneys, hereby supplements its petition for reconsideration of the Commission's Fifth Report and Order[1/] and Sixth Report and Order[2/] in the above-referenced proceeding, as provided for in the Commission's July 2, 1997 Order concerning the release of OET Bulletin No. 69.[3/] In this supplement, Univision revises and provides additional engineering support for its reallotment proposal for the Tucson, Arizona television market. Univision's proposed solution would preserve the existing Spanish-language programming in the Tucson market while at the same time benefitting the only full power broadcast station significantly affected.

1/ Fifth Report and Order, Advanced Television Systems, MM Docket No. 87-368, 62 Fed. Reg. 26,966 (May 16, 1997) ("Fifth Report").

2/ Sixth Report and Order, Advanced Television Systems and Their Impact on Existing Television Service, MM Docket No. 87-368, 62 Fed. Reg. 26,684 (May 14, 1997) ("Sixth Report"). Univision consolidated its petitions for reconsideration of the Fifth and Sixth Reports, as both were issued in the same above-referenced Docket and address the adoption of rules to implement digital television.

3/ Order, MM Docket No. 87-268, (July 2, 1997).

Univision owns and operates the Univision Network, a Spanish-language network which has 41 television affiliates nationwide -- 20 being full-power television stations, and 21 being low-power television stations. Of these, Univision owns and operates twelve full-power and seven low-power Spanish-language television stations.[4] The Univision Network is the primary source of news and entertainment for this nation's 30,000,000 Hispanics. The Univision Network reaches more than 92% of all Hispanic homes and had a 79% share of the U.S. Spanish-language network audience in 1996. It is the fifth largest full-time network, delivering larger audiences than all broadcast and cable networks except ABC, CBS, NBC, and Fox. Univision's audience is expanding rapidly, as Hispanics are the fastest growing segment of the U.S. population. Given the explosive growth of the Hispanic populace, and its desire for and reliance on Spanish-language programming, it is essential that the needs of this segment of society be considered in the transition to digital television. Accordingly, in its Petition for Reconsideration, Univision urged the Commission to carefully review its actions to ensure that its digital television policies do not impede or hinder the ability of Univision to serve the Hispanic community.

As discussed in Univision's Petition for Reconsideration, the Commission's treatment of LPTV stations is likely to harm Univision and its Hispanic viewership. Like many minority-oriented broadcasters, Univision relies on LPTV stations to deliver its programming in many markets. Univision's Petition for Reconsideration therefore requested that the Commission make

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4/ Univision's full-power stations include KLUZ-TV, Albuquerque, NM; KUVN(TV), Garland, TX; KFTV(TV), Hanford, CA; WGBO-TV, Joliet, IL; KMEX-TV, Los Angeles, CA; KUVS(TV), Modesto, CA; WLTV(TV), Miami, FL; WXTV(TV), Paterson, NJ; KTVW-TV, Phoenix, AZ; KXLN-TV, Rosenberg, TX; KWEX-TV, San Antonio, TX; and KDTV(TV), San Francisco, CA. Univision's LPTV stations include K48AM, Albuquerque, NM; K30CE, Austin, TX; KABE-LP, Bakersfield, CA; KUVN-LP, Fort Worth, TX; W47AD, Hartford, CT; WXTV-LP, Philadelphia, PA; and K52AO, Tucson, AZ.

several discrete adjustments to the DTV Table of Allotments that would protect this service without any adverse impact on full-power television broadcasters. One of the proposals made was designed to preserve the Spanish-language program service available to Tucson, Arizona on LPTV station K52AO. Having now had the opportunity to reexamine that proposal in light of OET Bulletin No. 69, Univision is filing this supplement to revise its proposal with respect to the Tucson, Arizona television market, and provide engineering based on OET Bulletin No. 69 to support the proposed change.

In its Sixth Report, the Commission allotted DTV channel 52 to full power television station KAJW, Tolleson, Arizona. This allotment would eliminate Univision's LPTV station K52AO. In order to preserve the Spanish-language programming provided by this LPTV station, Univision had proposed in its Petition for Reconsideration that KAJW be reallotted DTV channel 47. Now, based on OET Bulletin No. 69, Univision has determined that channel 47 is not suitable for KAJW's DTV operations. Univision's analysis does indicate, however, that KAJW could provide high quality digital service on DTV channel 53. See Engineering Statement attached hereto. Accordingly, Univision now amends its original request with respect to the Tucson market and asks the Commission to substitute DTV channel 53 for KAJW's current allotment of DTV channel 52.

This reallotment is in the public interest, as it will maintain the current level of Spanish-language broadcast service to Tucson's Hispanic residents, will have no significant effect on any other broadcast station, and will benefit KAJW's broadcast operations. Specifically, the proposed change would eliminate the interference that would be caused by KAJW's operation of a DTV facility on the first adjacent channel to its NTSC operation, and would eliminate the need for KAJW to co-locate its NTSC and DTV operations. This added flexibility may be useful to KAJW in its transition to DTV.

Thus, Univision's revised request for a change to the Table of Allotments is as follows:

Tucson, Arizona (K52AO)

	NTSC Channel	Sixth Report DTV Channel	Proposed DTV Channel
KAJW, Tolleson, Arizona	51	52	53

Conclusion

For the foregoing reasons, as well as those stated in Univision's Petition for Reconsideration, Univision hereby reiterates its request that the Commission make the proposed changes to the DTV Table of Allotments, including the revised proposal requested herein with regard to the Tucson, Arizona television market.

Respectfully submitted,

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Dated: August 22, 1997

CERTIFICATE OF SERVICE

I, Elinor W. McCormick, a secretary to the law firm of Fisher Wayland Cooper Leader & Zaragoza L.L.P., hereby certify that a true copy of the foregoing **"SUPPLEMENT TO PETITION FOR RECONSIDERATION"** was sent this 22nd day of August, 1997, by first class United States Mail, postage prepaid, to the following:

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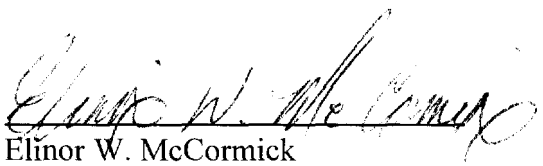

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ENGINEERING STATEMENT
prepared for
Univision Communications Inc.
K52AO Tucson, Arizona

This engineering statement has been prepared on behalf of *Univision Communications Inc. ("UCI")*, in support of a *Petition for Reconsideration* of the Federal Communications Commission's Sixth Report and Order ("6th R&O") in MM Docket 87-268.[1] *UCI* operates "low power" television ("LPTV") station K52AO, Tucson, Arizona. *UCI's* petition requests a change in one DTV channel allotment in the 6th R&O such that the operation of K52AO is not displaced.

Discussion

The 6th R&O has not provided protection to all existing LPTV and translator stations. An engineering review of the DTV allotments in the region surrounding Tucson showed that DTV channel 52 has been allotted to KAJW (TV-CP) Tolleson, Arizona, at a distance of 149.4 kilometers from K52AO. At this distance, K52AO, which operates on channel 52, would cause interference to the KAJW DTV channel 52 allotment, based on the results of an interference study conducted per OET Bulletin 69. Thus, once the DTV channel 52 station at Tolleson commences operation, K52AO would be displaced. No other DTV allotments on channel 52 or adjacent channels appear to have the potential for displacing K52AO.

An engineering review of the Tolleson, Arizona DTV channel 52 allotment was performed to determine if an alternate channel could be used at Tolleson that would not displace K52AO. Interference studies were performed using an application of the terrain-dependent Longley-Rice methodology, similar to that employed by the Commission in developing the DTV table of allotments.[2] The studies showed that DTV channel 53 could be used for KAJW Tolleson,

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[1] See FCC 97-115 *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, released April 21, 1997.

[2] The time-shared "HDTV" computer program offered by the National Telecommunications and Information Administration's TA Services in Boulder, Colorado was employed as the method for coverage and interference prediction. The HDTV program is based upon the Longley-Rice propagation model, which uses the methods described

Arizona, in lieu of DTV channel 52.[3] KAJW DTV channel 53 would provide coverage to over 100 percent[4] of the area and population of the interference-limited authorized KAJW NTSC channel 51 coverage area.

The interference study also examined the potential impact the use of DTV channel 53 at Tolleson would have on other DTV allotments and existing NTSC assignments. The nearest co-channel or first-adjacent channel station is NTSC station KAJB, channel 54, at Calipatria, California, at a distance of 259.9 km. Various other stations with "taboo" channel relationships to DTV channel 53 were also included. The interference studies showed that a minimal amount of interference is predicted to be caused to NTSC station KASW, taboo channel 61, Phoenix, Arizona. No interference is predicted to be caused to any other DTV allotment or NTSC assignment by the use of DTV channel 53 at Tolleson, Arizona.

The predicted interference area caused to the KASW NTSC channel 61 facility covers 15.4 square kilometers. No other interference is predicted to KASW from any NTSC or DTV assignment. In the 6th R&O, Appendix A Table 1, a column within the table indicates the percentage of the existing NTSC area and population predicted to receive new interference from DTV assignments. New interference to KASW from the use of DTV channel 53 at Tolleson would affect only 0.1 and 0.2 percent of the area and population currently served, respectively. These amounts are far below comparable new interference percentages shown in the Commission's

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in the National Bureau of Standards Technical Note 101, and has been developed in close coordination with the Commission's OET staff. All area and population predictions were based on the Longley-Rice methodology as employed by TA Services and included "clipping" the extent of coverage at the Grade B and DTV contour distance (modified with the "dipole" correction factor), as determined with the Commission's traditional average elevation method, per the 6th R&O's Appendix B,. It is believed that the computer program is compliant with the interference evaluation guidelines specified in OET Bulletin 69.

[3]Further studies or allotment table rearrangements may reveal additional channels for the Tolleson, AZ DTV allotment that do not displace K52AO.

[4]For cases in the 6th R&O's allotment table where the match is above 100 percent, a value of 100 percent is shown regardless of the actual value.

table for many other NTSC stations. Further, the KASW transmitter is located only 0.17 km from the authorized KAJW transmitter site. Inasmuch as Section 73.623(d) would permit a separation distance of up to 24.1 (or over 96.6) kilometers between UHF taboo channel DTV to analog channel assignments (Zones II and III), a new (future) DTV station on channel 53 could be allotted at KAJW's authorized transmitter site without regard to interference caused to KASW.

The allotted DTV channel 52 for KAJW is first-adjacent to the KAJW channel 51 NTSC facility. While a number of such first-adjacent assignments were made in the 6th R&O, it is widely held that such assignments are to be avoided whenever possible, primarily due to interference the DTV station may cause to NTSC reception (which is more of concern when the DTV assignment is the upper-adjacent channel to the NTSC, such as the case at hand). For the instant situation, the interference analysis showed that 710 square kilometers of KAJW's NTSC coverage area would be subject to interference from the KAJW DTV channel 52 facility as assigned, while only 41 square kilometers would receive interference from the substitute KAJW DTV channel 53 facility.

Summary

Based on these studies, it appears that K52AO Tucson, Arizona would be displaced under the 6th R&O by the DTV channel 52 allotment for Tolleson, Arizona. An alternate DTV channel could be used at Tolleson that would not displace K52AO. For example, the Tolleson DTV allotment could be changed to channel 53 and provide in excess of 100 percent coverage area match of its existing paired NTSC channel. Only minimal interference is predicted to be caused to one NTSC assignment as a result of using DTV channel 53 at Tolleson. The KAJW NTSC channel 51 facility would no longer be subject to potential problems resulting from the co-location of a first-adjacent DTV channel.

Certification

The undersigned hereby certifies that the foregoing statement was prepared by him or under his direction, and that it is true and correct to the best of his knowledge and belief. Mr. Davis is a principal in the firm of *Cavell, Mertz & Perryman, Inc.*, is a Registered Professional Engineer in Virginia, holds a Bachelor of Science degree from Old Dominion University in Electrical Engineering Technology, and has submitted numerous engineering exhibits to various local governmental authorities and the Federal Communications Commission. His qualifications are a matter of record with that agency.

Joseph M. Davis, P.E.
August 22, 1997

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